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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,600	01/05/1998	THEODORE D WUGOFSKI	450.224US1	7990

7590 02/20/2002

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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 02/20/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

# Advisory Action

Application No.  
09/002,600

Applicant(s)  
Wugofski

Examiner  
Christopher Onuaku

Art Unit  
2615



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jan 24, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

## THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: \_\_\_\_\_
- Claim(s) objected to: 4, 13, 15-17
- Claim(s) rejected: 1, 2, 4-17, 20, 21, 24, and 26
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
11. ☒ Other: (See attached)

ANDREW B. CHRISTENSEN  
PRIMARY EXAMINER

Art Unit: 2615

***Response to Arguments***

1. Applicant's arguments filed 1/24/02 have been fully considered but they are not persuasive.
2. Applicant argues that one of ordinary skill would not modify Young based on Ellis because Young already has a reminder system to turn the television on, if the television is not turned on, some time before the scheduled program time in order to record the scheduled program which the user had previously set to record remind in advance.

In the last office action, the examiner states that Young discloses the method of receiving user input at least partially determinative of a recording reminder time for the scheduled recording (see the discussions above). And, that Young fails to explicitly disclose the method of receiving user input at least partially determinative of a recording reminder time for the scheduled recording, with the user input being non-determinative of the recording time.

Ellis et al teach in Fig.1,13&14 an electronic program schedule system which provides a user with schedule information for broadcast or cablecast programs viewed by the user on a television receiver, wherein if while viewing program schedule information for a future time in BROWSE mode, the user depresses the ENTER key on the remote controller 31, the

Art Unit: 2615

microcontroller 16 will instruct the video display generator (VDG) 23 to display a REMINDER overlay message 130 (see Fig.13) which queries the user as to whether the system should remind the user, at a predetermined time before the start of a scheduled program that the user would like to view the scheduled program. If the user responds affirmatively, the microcontroller 16 stores reminder data consisting of at least the channel, time and day of the selected program in a reminder buffer, which contains similar schedule information for all programs for which the user has set a reminder. At a predetermined time before the selected program start time, for example, five minutes, the microcontroller 16 will retrieve schedule information, including title and service, based on the reminder data, and will instruct the VDG 23 to display a REMINDER 140 on the television receiver 27 to remind the user that the user previously set a reminder to watch the selected program. The REMINDER message 140 contains the channel, service and start time. It also displays the number of minutes before the time of airing of the particular show and updates the display every minute until the time of airing (see microcontroller 16 and VDG 23 of Fig.1, and col.15, lines 17-57).

Automatic reminding the user of previously set reminder to view (or record) a selected program provides the desirable advantage of preventing the user from failing to view (or record) a program for which the viewer had previously set a reminder.

It would have been obvious to further modify Young by realizing Young with the means to automatically **remind the user of previously set reminder to view a program for which the viewer had previously set a reminder**, as taught by Ellis, since this provides the desirable

Art Unit: 2615

advantage of preventing the user from failing to view a program for which the viewer had previously set a reminder.

Ellis teaches the principle of automatically reminding a viewer of a previously set reminder, for example, to view a program for which the viewer had previously set a reminder. It would have been obvious, therefore, to apply similar principle to automatically remind a user, of the modified Young system, of a previously set reminder, for example, to record a program for which the viewer had previously set a reminder, since this also would provide the desirable advantage of preventing the user from failing to record a program for which the user had previously set a reminder.

Here the examiner modifies Young with Ellis because Ellis teaches the principle of automatically reminding a user of a previously set reminder which Young fails to disclose. Young discloses the principle of advanced television program recording whereby a user sets a recorder to automatically record a television program which is scheduled to be shown some time in the future.

With Young modified with Ellis, Ellis could remind a user about a reminder that the user had set about a program scheduled to be shown some time in the future which the user may want to view . Furthermore, this Ellis reminder principle can be extended to include reminding a user about a reminder that the user had set about a program scheduled to be shown some time in the future which the user may want to record.

Art Unit: 2615

It is, therefore, clear that the reminder system of Young is not the same as the reminder system of Ellis. It is this different reminder system of Ellis that would be added to Young when Young is modified with Ellis.

3. Please note that claims 11,13,17,21&24 cited as being rejected by 103 rejection by applying Young and Ellis was a typographical error, which the examiner regrets. Claims 11,13,17,21&24 were clearly rejected under 102 rejection by applying Young (see pages 3-6 of last office action). Claims 11,13,17,21&24 were never rejected under 103 rejection by applying Young and Ellis.

The examiner rejects the applicant's request to withdraw the finality of the last office action. Therefore, the rejection is maintained.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew B. Christensen, can be reached on (703) 308-9644.

**Any response to this action should be mailed to:**

Art Unit: 2615

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct  
to the Group receptionist whose telephone is (703) 305-4700.

COO

2/14/02